

**INSPECTIONS AND APPEALS DEPARTMENT[481]**

**Notice of Intended Action**

**Proposing rule making related to contractor requirements  
and providing an opportunity for public comment**

The Inspections and Appeals Department hereby proposes to amend Chapter 35, “Contractor Requirements,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 10A.104.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 10A.104 and 17A.7(2).

*Purpose and Summary*

The Department completed a comprehensive review of Chapter 35 in accordance with the requirement in Iowa Code section 17A.7(2). This proposed rule making updates outdated citations and aligns reporting requirements with current practices.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on January 3, 2023. Comments should be directed to:

Ashleigh Hackel  
Iowa Department of Inspections and Appeals  
Lucas State Office Building  
321 East 12th Street  
Des Moines, Iowa 50319  
Email: [ashleigh.hackel@dia.iowa.gov](mailto:ashleigh.hackel@dia.iowa.gov)

*Public Hearing*

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 481—35.1(137C,137D,137F) as follows:

**481—35.1(137C,137D,137F) Definitions.** The definitions in 481—30.2(10A,137C,137F) and Iowa Code sections 137C.2, and 137D.1 and ~~Iowa Code Supplement section 137F.1~~ are hereby incorporated by reference as part of this chapter.

ITEM 2. Amend rule 481—35.6(137C,137D,137F) as follows:

**481—35.6(137C,137D,137F) Inspection standards.** Inspections shall be completed using forms prescribed by the department for those inspections. The contractor shall follow applicable standards for inspections found in Iowa Code chapters 137C, 137D and 137F ~~as amended by 2007 Iowa Acts, chapter 215~~. Inspections shall be conducted pursuant to 481—Chapters 30, 31, 34, 35, and 37.

Copies of inspection standards are available from the Department of Inspections and Appeals, Food and Consumer Safety Bureau, Lucas State Office Building, Des Moines, Iowa 50319-0083.

ITEM 3. Rescind rule **481—35.10(137C,137D,137F)**.

ITEM 4. Renumber rule **481—35.11(137C,137D,137F)** as **481—35.10(137C,137D,137F)**.

ITEM 5. Amend renumbered rule 481—35.10(137C,137D,137F) as follows:

**481—35.10(137C,137D,137F) Contract rescinded.** If the department determines that Iowa Code chapters 137C, 137D and 137F ~~as amended by 2007 Iowa Acts, chapter 215~~, are not being enforced by the contractor, the department may rescind the agreement. Notification of the department's action will be provided to the contractor at least 30 days in advance of the action. The contractor has the right to request a hearing with the department to contest the action.

ITEM 6. Amend **481—Chapter 35**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapters 137C, 137D and 137F ~~as amended by 2007 Iowa Acts, chapter 215~~.